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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT TACOMA

8 GARY EMMONS and CATHY  
9 EMMONS,

10                   Plaintiffs,

11                   v.

12                   NATIONAL RAILROAD PASSENGER  
13                   CORPORATION d/b/a AMTRAK,

14                   Defendant.

15                   CASE NO. C19-5534 BHS

16                   ORDER GRANTING IN PART  
17                   AND DENYING IN PART  
18                   DEFENDANT'S MOTION FOR  
19                   SUMMARY JUDGMENT AND TO  
20                   SHOW CAUSE

21                   This matter comes before the Court on Defendant National Railroad Passenger  
22                   Corporation d/b/a Amtrak's ("Amtrak") motion for summary judgment on punitive  
damages and Consumer Protection Act ("CPA") claim. Dkt. 16.

23                   On October 31, 2019, Amtrak filed the instant motion. *Id.* On November 18,  
24                   2019, Plaintiffs Gary and Cathy Emmons responded. Dkt. 18. On November 22, 2019,  
25                   Amtrak replied. Dkt. 20.

26                   Upon review of the motion, the Court grants the motion in part and denies the  
27                   motion in part on the same grounds and for the same reasons set forth in *Mitchem v. Nat'l*

1      | *R.R. Passenger Corp.*, C18-5366-BHS, 2020 WL 91490 (W.D. Wash. Jan. 8, 2020) and  
2      | related cases cited therein.

3                 Regarding the remaining CPA claim, the Court will allow any party to show cause  
4          why the claim should not be severed and opened in a new case as was done in the related  
5          case of *Cottrell v. Nat'l R.R. Passenger Corp.*, C18-0072-BHS, Dkt. 53 (W.D. Wash.  
6          Feb. 26, 2020). Any response may be filed no later than March 6, 2020.

7                 **IT IS SO ORDERED.**

8                 Dated this 27th day of February, 2020.

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12                 BENJAMIN H. SETTLE  
13                 United States District Judge  
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